

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### 45 CFR Parts 16, 74, and 96

#### Block Grant Programs; Correction

**AGENCY:** Health and Human Services Department (HHS).

**ACTION:** Final rules, correction.

**SUMMARY:** On July 6, 1982 the Department published in the *Federal Register* final rules implementing the seven of the block grant programs established by the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), 47 FR 29472. This document contains technical corrections that address inadvertent deletions and errors in wording, spelling and punctuation found in those rules.

**DATE:** The rules were effective July 6, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Robert Raymond, Director for Intergovernmental Policy, Office of Planning and Evaluation, Room 443-D, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 245-7316.

#### SUPPLEMENTARY INFORMATION:

Accordingly, the Department of Health and Human Services is correcting FR Doc. 82-18247 appearing on pages 29472-29493 in the issue of July 6, 1982 as follows:

#### PART 96—BLOCK GRANTS

1. On page 29487, column 1, § 96.3, in line 6 "Pub. L. 96511" is corrected to read "Pub. L. 96-511".
2. On page 29487, column 2, § 96.11, in the last line "fund." is corrected to read "funds."
3. On page 29487, column 3, § 96.14(a), the heading "*Obligations*." is corrected to read "*Obligation*."
4. On page 29487, column 3, § 96.15, in line 9, "director" is corrected to read "Director".
5. On page 29488, column 3, § 96.43(b), in line 10, "[insert date 45 days after publication]" is corrected to read "August 20, 1982".
6. On page 29489, column 3, § 96.50(b), lines 11-13, "human Development Services. Complaints with respect to the low-income energy program" is corrected to read "Human Development Services. Complaints with respect to the low-income home energy assistance program".
7. On page 29490, column 1, § 96.50(b), in the last sentence "if" is corrected to read "it".

8. On page 29490, column 1, § 96.50(e), line 9, "stautory" is corrected to read "statutory".

9. On page 29491, column 3, § 96.71, lines 1-2, "Section 2005 [42 U.S.C. 1397d(a)(2) and (a)(5)](a)(2) and (a)(5)" is corrected to read "Section 2005(a)(2) and (a)(5) [42 U.S.C. 1397d(a)(2) and (a)(5)]"; and on line 21 the semicolon is changed to a comma.

10. On page 29492, column 1, § 96.82, line 3, the comma is removed after the word "Act" and a comma is added after the parenthetical citation.

11. On page 29492, column 2, § 96.101, line 2, "the" is added after "of"; on line 17 "is due whether the center meets the requirements for receiving" is added after "response".

Dated: September 23, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

[FR Doc. 82-26996 Filed 9-29-82; 8:45 am]

BILLING CODE 4150-04-M

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 107, 171, 172, 173, 174, 175, 177, 178 and 179

[Docket No. HM-56; Amdt. Nos. 107-10, 171-66, 172-74, 173-158, 174-41, 175-23, 177-55, 178-72, 179-31]

#### Hazardous Materials Regulations; Miscellaneous Amendments

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** The purpose of these amendments to the Hazardous Materials Regulations is to change or delete certain incorrect references, to correct certain editorial errors, and to make minor regulatory changes which will not impose any restrictions on persons affected by these regulations.

**EFFECTIVE DATE:** September 30, 1982.

#### FOR FURTHER INFORMATION CONTACT:

Thomas G. Allan, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2075.

**SUPPLEMENTARY INFORMATION:** With consolidation of the Hazardous Materials Regulations (HMR) into Title 49 of the Code of Federal Regulations and subsequent amendments thereto, numerous discrepancies have surfaced in the printing of Title 49. These

discrepancies include incorrect references, inadvertent omissions of phrases within sections, and punctuation errors. In addition, functional responsibilities relating to certain approvals have been transferred from the Materials Transportation Bureau's (MTB) Office of Operations and Enforcement (OOE) to its Office of Hazardous Materials Regulation (OHMR) and the affected sections are amended to note this. Finally, in response to inquiries which MTB has received concerning the clarity of particular requirements specified in the HMR, changes are made which should reduce uncertainties as to their meaning.

Since these amendments do not impose additional requirements, public notice has not been provided and these amendments are effective without delay. The MTB has determined that this rule, as promulgated, is not a "major rule" under the terms of Executive Order 12291 and DOT implementing procedures (44 FR 11034). A final regulatory evaluation and environmental assessment is not available in the Docket as these amendments are merely clerical in their effect. Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not, as promulgated, have a significant economic impact on a substantial number of small entities.

Docket HM-56 is closed upon issuance of this final rule.

The following is a brief summary on the changes in each Part:

#### Part 107

Changes reflect the proper title of the Associate Director for HMR in the following sections: § 107.119(b)(c), and (d), § 107.121.

In § 107.373, the word "employer" is changed to read "employee" to reflect the proper relationship to OHMR and OOE.

#### Part 171

In § 171.16, paragraph (b) is changed to specify the name of the new office to which written incident reports are to be addressed.

In §§ 171.19 and 171.20, corrections are made to reflect the correct title of the Associate Director for HMR.

#### Part 172

In § 172.101, the Hazardous Materials Table (HMT) is changed by adding and revising entries as follows:

"Allethrin" is amended by changing the identification number in column (3A) from NA2909 to NA2902.

"Barrel, empty", "Gas cylinder, empty", "Tank car, empty (*previously used for a hazardous material*)", "Tank car, empty (*previously used for a Poison A material*)", "Tank, portable empty" and "Tank truck, empty" are changed to appear in italics rather than Roman type.

"Electrolyte (acid) battery fluid" is amended by adding the letter "E" in column (1) and setting the reportable quantity value in italics.

"High explosive" is changed to reflect the correct packaging reference in column (5)(a).

"Hydrogen fluoride" is amended to indicate its proper identification number in column (3A) as UN 1052.

"Infectious substance, human, n.o.s.", inadvertently omitted in a recent republication of the HMT, is added to the table.

"Nitrogen peroxide, liquid" and "Nitrogen tetroxide, liquid" are amended to reflect their additional status as a hazardous substance, since these names are synonymous with "nitrogen dioxide, liquid."

"Phenylenediamine, meta or para, solid" is amended to reflect its correct spelling.

In § 172.200, paragraph (c) is removed since it no longer contains timely information.

In § 172.203, paragraphs (i)(2)(iii), (j)(1), and (k)(3)(iii) are removed since they no longer contain timely information.

In § 172.301, paragraph (c)(3) is removed since it no longer contains timely information.

In § 172.302, paragraph (c) is removed since it no longer contains timely information.

In § 172.336, paragraph (c)(8) is removed since it no longer contains timely information.

In § 172.407, paragraph (d)(5) is removed since it no longer contains timely information.

#### Part 173

In § 173.55, the antiquated term "dangerous articles" is changed to "hazardous materials."

In § 173.114a, paragraph (j) is removed since it no longer contains timely information.

In § 173.115, Note 1 following paragraph (a)(1)(ii) is removed since it no longer contains timely information.

The following sections are amended to remove the specific reference to intermodal portable tanks (IM-101 and IM-102) since their use is already authorized through other paragraphs in the same sections: § 173.125(a)(8), § 173.128(a)(5), § 173.129(a)(3),

§ 173.131(a)(3), § 173.132(a)(4), § 173.144(a)(4), § 173.147(a)(2).

In § 173.292, paragraph (a)(2) has the specific reference to MC 303, MC 304, MC 306, MC 307, MC 310, MC 311, and MC 312 tank motor vehicles removed since their use is already authorized through paragraph (a)(1).

In § 173.302, paragraph (c) is changed by having the formulas which appear in Note 1 and Note 2 rewritten to show their correct algebraic expression.

In § 173.331, paragraph (a)(1) is amended by correcting the quantity limit to read "5 cubic centimeters." It was incorrectly entered as 6 cubic centimeters when the HMR were consolidated in Docket No. HM-112 (41 FR 15972, April 15, 1976).

In § 173.334, paragraph (a)(1) has specification 4B240 added to the list of cylinders. It was inadvertently omitted when the HMR were consolidated in Docket No. HM-112 (41 FR 15972, April 15, 1976).

In § 173.353, paragraph (a)(3) is revised to include requirements for valve protection which were adopted under Docket HM-139C (45 FR 46419, July 10, 1980) but inadvertently omitted in a later revision of this paragraph under Docket HM-166C (45 FR 59887, September 11, 1980); and footnote 1 to paragraph (a)(3), omitted in the most recent edition of the CFR, is added.

In § 173.357, paragraph (b)(1) is revised to include requirements for valve protection which were adopted under Docket HM-139C (45 FR 46419, July 10, 1980) but inadvertently omitted in a later revision of this paragraph under Docket HM-166C (45 FR 59887, September 11, 1980).

In § 173.359, paragraphs (a), (a)(13), and (c) are revised by having the suffix "n.o.s." removed from the entries "organic phosphate compound mixtures, n.o.s." and "organic phosphorus compound mixtures, n.o.s." to make these descriptions compatible with those which appear in the Hazardous Materials Table.

In § 173.392, paragraph (d)(2)(ii) is amended by replacing obsolete cargo tank specification section references with the current section number.

In § 173.1090, paragraph (d)(5) is removed since it no longer contains timely information.

Throughout Part 173, changes are made to indicate the transfer of certain functional responsibilities from the Associate Director for OE to the Associate Director for HMR.

The following sections are amended to remove the phrase "because of the present emergency and" since the state of emergency no longer exists: § 173.28(g) Note 1, § 173.119(b)(3) Note 1;

and (b)(4) Note 1, § 173.190(b)(3)(i) Note 1, § 173.346(a)(8).

#### Part 174

In § 174.25, paragraph (a)(2) is amended to add a line item to the Table for the hazard class "Blasting agent"; and paragraph (c) is revised to indicate that billings must communicate the presence of the reportable quantity of a hazardous substance, when appropriate.

In § 174.61, paragraph (b) is changed to reflect the transfer of a functional responsibility from the Associate Director for OE to the Associate Director for HMR.

#### Part 175

In § 175.25, paragraph (b) is removed since it no longer contains timely information.

In § 175.45, paragraph (c) is changed to reflect the name of the new office in MTB to which written incident reports are to be addressed.

In § 175.701, paragraph (c) is amended to reflect the transfer of a functional responsibility from the Associate Director for Operations and Enforcement to the Associate Director for HMR; and paragraph (c)(2) is changed, for the sake of clarity, by removing the word "laterally."

#### Part 177

In § 177.835, paragraph (g) is amended to specify that detonators may not be transported on the "same" motor vehicle with any Class A or Class B explosive (except detonators). The word "same" was inadvertently dropped in the 1980 and 1981 editions of Title 49.

Changes are made to indicate the transfer of certain functional responsibilities from the Associate Director of OE to the Associate Director for HMR in the following sections: § 177.821(f), § 177.838(g), § 177.848 note 5.

#### Part 178

Section 178.65-14 is amended by removing the note following paragraph (b)(8) since it no longer contains timely information.

In § 178.68-10, paragraph (a)(2) is amended to reflect the correct cross-reference for physical tests of tensile strength of the material.

Throughout Part 178, changes are made to indicate the transfer of certain functional responsibilities from the Associate Director for OE to the Associate Director for HMR.

Throughout Part 178, changes are made to remove the phrase "because of the present emergency and" since the state of emergency no longer exists.

## Part 179

In § 179.202-16, paragraph (b) is changed to permit specification 103AW and 111A60W2 tank cars, which have been coated or lined with a material suitable to resist corrosion, for the carriage of monochloroacetic acid, anhydrous, when shipped as a liquid, as indicated in § 173.294(b).

In § 179.500-4, paragraph (b) is amended by having the divisor 2.0 in the formula  $S = U/2.0$  changed to 3.0 to reflect the correct factor of safety.

## List of Subjects

## 49 CFR Part 107

Hazardous materials transportation.

## 49 CFR Part 171

Hazardous materials transportation.

## 49 CFR Part 172

Hazardous materials transportation.

## 49 CFR Part 173

Hazardous materials transportation.

## 49 CFR Part 174

Hazardous materials transportation.  
Railroad safety.

## 49 CFR Part 175

Hazardous materials transportation.  
Air carriers.

## 49 CFR Part 177

Hazardous materials transportation.  
Motor carriers.

## 49 CFR Part 178

Hazardous materials transportation.  
Packaging and containers.

## 49 CFR Part 179

Hazardous materials transportation.  
Railroad safety.

In consideration of the foregoing, 49 CFR Parts 107, 171 through 175, and 177 through 179 are amended as follows:

## PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

## § 107.119 [Amended]

1. In § 107.119, paragraphs (b), (c), and (d) are amended by removing the words "of OE."

## § 107.121 [Amended]

2. Section 107.121 is amended by removing the words "of OE."

## § 107.373 [Amended]

2a. Section 107.373 is amended by removing the word "employer" and inserting, in its place, the word "employee."

## PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

## § 171.16 [Amended]

3. In § 171.16, paragraph (b) is amended by removing the words "Chief, Information Systems Division, Transportation Programs Bureau" and inserting, in their place, "Information Systems Manager, Materials Transportation Bureau."

## § 171.19 [Amended]

4. Section 171.19 is amended by removing the words "Associate Director for OE" and inserting, in their place, the words "Associate Director for HMR."

## § 171.20 [Amended]

5. In § 171.20, paragraphs (a) and (c) are amended by removing the words "Associate Director for OE"; and inserting in their place, the words "Associate Director for HMR"; and paragraph (b) is amended by removing the words "Associate Director for Operations and Enforcement" and inserting, in their place, the words "Associate Director for Hazardous Materials Regulation."

## PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

6. In § 172.101, the Hazardous Materials Table is amended as follows:

## § 172.101 Hazardous materials table.

(1) E/A/W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Additions infectious substances, human, n.o.s., See Etiologic Agent, n.o.s.		UN2814								
	Revisions										
A	Allethrin Barrel, empty. See Drum, empty.	ORM-A	NA2902	None	173.505	173.510	No limit	No limit			
E	Electrolyte (acid) battery fluid (not over 47% acid) (RQ 1000/454). See Battery fluid, acid.										
	Gas cylinder, empty. See Cylinder, empty.										
	High explosive	Class A explosive		Explosive A	173.65	173.61 173.87	Forbidden	Forbidden	6	5	
E	Hydrogen fluoride (RQ-5000/2270).	Corrosive material	UN1052	Corrosive	None	173.264	Forbidden	110 pounds.	1	5	Segregation same as for nonflammable gases.
E	Nitrogen peroxide, liquid (RQ-1000/454).	Poison A	NA1067	Poison gas and oxidizer.	None	173.336	Forbidden	Forbidden	1	5	Segregation same as for nonflammable gases. Stow away from organic materials.

(1) EPA/W	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(4) NA1067	(5) Label(s) required (if not excepted)	(6) Packaging	(7) Net quantity in package	(8) Cargo only aircraft	(9) Cargo vessel	(10) Passenger vessel	(11) Other requirements
E	Nitrogen tetroxide, liquid (RD-1000, 454)	Poison A	NA1067	Poison gas and oxidize.	None	(a) 173.336	(b) Forbidden	(a) 1	(b) 5	(c) Segregation same as for nonflammable gases. Stow away from organic materials
A	Phenylenediamine, meta or para, solid	ORM-A	UN1673	None	173.505	173.510	No limit	No limit		
	Tank car, empty (previously used for a hazardous material). See 173.29.									
	Tank car, empty (previously used for a Poison A material). See 172.510 and 173.29.									
	Tank, portable, empty (previously used for a hazardous material). See 172.510, 172.514 and 173.29.									
	Tank truck, empty. See 172.510, 172.514 and 173.29.									

**§ 172.200 [Amended]**

7. In § 172.200, paragraph (c) is removed.

**§ 172.203 [Amended]**

8. In § 172.203, paragraph (i)(2)(iii), (j)(1), and (k)(3)(iii) are removed.

**§ 172.301 [Amended]**

9. In § 172.301, paragraph (c)(3) is removed.

**§ 172.302 [Amended]**

10. In § 172.302, paragraph (c) is removed.

**§ 172.336 [Amended]**

11. In § 172.336, paragraph (c)(8) is removed.

**§ 172.407 [Amended]**

11a. In § 172.407, paragraph (d)(5) is removed.

### PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

**§ 173.21 [Amended]**

11b. In § 173.21, paragraphs (b)(2) and (e) are amended by removing the words "Operations and Enforcement" and inserting, in their place, the words "Hazardous Materials Regulation."

**§ 173.55 [Amended]**

12. In § 173.55, paragraph (a) is amended by removing the words "dangerous articles" in both instances

and inserting, in their place, the words "hazardous materials."

**§ 173.114a [Amended]**

13. In § 173.114a, paragraph (d) is amended by removing the words "Operations and Enforcement (OE)" and inserting, in their place, the words "Hazardous Materials Regulation (HMR)"; and paragraph (j) is removed.

**§ 173.115 [Amended]**

14. In § 173.115, Note 1 following paragraph (a)(1)(ii) is removed.

**§ 173.125 [Amended]**

15. In § 173.125, paragraph (a)(8) is removed.

**§ 173.128 [Amended]**

16. In § 173.128, paragraph (a)(5) is removed.

**§ 173.129 [Amended]**

17. In § 173.129, paragraph (a)(3) is removed.

**§ 173.131 [Amended]**

18. In § 173.131, paragraph (a)(3) is removed.

**§ 173.132 [Amended]**

19. In § 173.132, paragraph (a)(4) is removed.

**§ 173.144 [Amended]**

20. In § 173.144, paragraph (a)(4) is removed.

**§ 173.147 [Amended]**

21. In § 173.147, paragraph (a)(2) is removed.

22. In § 173.292, paragraph (a)(2) is revised to read as follows:

**§ 173.292 Hexamethylene diamine solution.**

(a) \* \* \*

(2) Specifications MC 300, MC 301, MC 302 or MC 305. Tank motor vehicles.

**§ 173.300a [Amended]**

22a. In § 173.300a, paragraphs (b)(1) and (e) are amended by removing the words "Operations and Enforcement" and inserting, in their place, the words "Hazardous Materials Regulation."

**§ 173.300b [Amended]**

22b. In § 173.300b, paragraph (b)(1) is amended by removing the words, "Operations and Enforcement" and inserting, in their place, the words "Hazardous Materials Regulation."

**§ 173.302 [Amended]**

23. In § 173.302, paragraph (c)(3) is amended by removing from Note 1 and Note 2 the formulas:

"EE = PKV × D<sup>2</sup>/(D<sup>2</sup> - d<sup>2</sup>)" and

"S = P[(1.3D<sup>2</sup> + 0.4d<sup>2</sup>)/(D<sup>2</sup> - d<sup>2</sup>)]" and inserting,

in their respective place, the formulas:

"EE = (PKVD<sup>2</sup>)/(D<sup>2</sup> - d<sup>2</sup>)" and

"S = (P[(1.3D<sup>2</sup> + 0.4d<sup>2</sup>)/(D<sup>2</sup> - d<sup>2</sup>)]"

**§ 173.331 [Amended]**

24. In § 173.331, paragraph (a)(1) is amended by removing the number "6" as it appears in the first sentence and inserting, in its place, the number "5".

**§ 173.334 [Amended]**

25. In § 173.334, paragraph (a)(1) is amended by adding specification "4B240" to the listing of other authorized cylinders.

25a. In § 173.353, paragraph (a)(3) is revised, and footnote 1 is added to read as follows:

**§ 173.353 Methyl bromide and methyl bromide mixtures.**

(a) \* \* \*

(3) Specification 3A225, 3AA225, 3B225, 3E1800, 4A225<sup>1</sup>, 4B225, 4BA225, or 4BW225, (§§ 178.36, 178.37, 178.38, 178.42, 178.49, 178.50, 178.51, 178.61 of this subchapter). Metal cylinders. Values and other closing devices must be protected to prevent damage in transit by equipping the cylinder with valve protection required by § 173.301(g). Cylinders having a wall thickness of less than 0.08-inch must be packed in boxes or crates (See § 173.25).

26. In § 173.357, paragraph (b)(1) is revised to read as follows:

**§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or poison A liquid.**

(b) \* \* \*

(1) Specification 3A, 3AA, 3B, 3C<sup>1</sup>, 3D<sup>1</sup>, 3E, 4A<sup>1</sup>, 4B, 4BA, 4BW, or 4C<sup>1</sup> (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.49, 178.50, 178.51, 178.52, 178.61 of this subchapter). Metal cylinders. Valves and other closing devices must be protected to prevent damage in transit by equipping the cylinders with valve protection required by § 173.301(g) of this subchapter. A cylinder closed by means of a solid plug may have the closure protected by a metal collar. Cylinders having a wall thickness of less than 0.08 inch must be packaged in boxes or crates. Each cylinder having a water capacity over 275 pounds must have a minimum design pressure of 225 p.s.i.g., unless the specification requires a higher minimum design pressure.

**§ 173.359 [Amended]**

27. In § 173.359, paragraphs (a), (a)(13), and (c) are amended by removing the suffix "n.o.s." each time it appears as a part of the materials description.

<sup>1</sup> Use of existing cylinders authorized, but new construction not authorized.

**§ 173.392 [Amended]**

28. In § 173.392, paragraph (d)(2)(ii) is amended by removing the parenthetical section references "§ 178.330, § 178.331" and inserting, in their place, "§ 178.340".

**§ 173.1090 [Amended]**

29. In § 173.1090, paragraph (d)(5) is removed.

**PART 173 [AMENDED]**

30. In addition to the amendments set forth above, Part 173 is amended by removing the words "Associate Director for OE" and inserting, in their place, the words "Associate Director for HMR" in the following places:

§ 173.24(c)(1)(ii)	§ 173.252(g)(1)
§ 173.31 (footnote (i))	§ 173.256(a)(3)
§ 173.32(b)(3)	§ 173.260(g)
§ 173.34(g)(4)(ii); (i);	§ 173.266(f)(2)
(i)(4)(i); (1); (1)(2); and	§ 173.272(i)(18)
(1)(3)	§ 173.300(b)(1)
§ 173.53(h) and (h)(1)	§ 173.300a(c); (d); (e); (g);
§ 173.65(h)	(h); and (i)
§ 173.88(g)	§ 173.300b(c); (d); (e); (f);
§ 173.94(b)	(g)
§ 173.100(f); (f)(11); (a);	§ 173.300c(a); and (b)
(x); (y); (aa); and (ee)	§ 173.305(c)(1)
§ 173.114a(d)(2); (d)(4);	§ 173.306(d)(1)
and (e)	§ 173.315(i)(12)
§ 173.119(b)(3) Note 1	§ 173.332(d)
§ 173.120(c)	§ 173.336(a)(4)
§ 173.124(a)(1); and (a)(2)	§ 173.366(a)(3)
§ 173.197a	§ 173.370(a)(13)
§ 173.245(a)(25)	§ 173.385(b); and (c)

30a. In addition to the amendments set forth above, Part 173 is amended by removing the words "because of the present emergency and" from the following sections:

§ 173.28(g) Note 1	§ 173.190(b)(3)(i) Note 1
§ 173.119(b)(3) Note 1;	§ 173.346(a)(8)
and (b)(4) Note 1	

**PART 174—CARRIAGE BY RAIL**

31. In § 174.25, the table in paragraph (a)(2) is amended by inserting the line entry "Blasting agent—Do—Do" in the appropriate columns and immediately below "Explosives, Class C—Placarded DANGEROUS—Do"; and paragraph (c) is revised by adding a new sentence at the end of the paragraph to read as follows:

**§ 174.25 Additional information on waybills, switching orders and other billings.**

(c) \* \* \* For an empty tank car that last contained a hazardous substance and still contains a reportable quantity, the letters "RQ" shall be entered on the billing either before or after the basic description.

32. In § 174.61, paragraph (b) is amended by removing the words "Associate Director for OE" and inserting, in their place, the words "Associate Director for HMR."

**PART 175—CARRIAGE BY AIRCRAFT****§ 175.25 [Amended]**

33. In § 175.25, paragraph (b) is removed.

**§ 175.45 [Amended]**

34. In § 175.45, paragraph (c) is amended by removing the words "Office of Hazardous Materials Regulations" and inserting, in their place, "Information Systems Manager."

**§ 175.701 [Amended]**

35. In § 175.701, paragraph (c) is amended by removing the words "Operations and Enforcement" and inserting, in their place, the letters "HMR"; and paragraph (c)(2) is amended by removing the word "laterally."

**PART 177—CARRIAGE BY PUBLIC HIGHWAY****§ 177.835 [Amended]**

35a. In § 177.835, paragraph (g) is amended by adding the word "same" immediately prior to the word "motor" in the second sentence.

**PART 177 [AMENDED]**

36. Part 177 is amended by removing the words "Associate Director for OE" and inserting, in their place, the words "Associate Director for HMR" in the following places:

§ 177.821(f)	§ 177.838(g)
§ 177.848 Note 5	

**PART 178—SHIPPING CONTAINER SPECIFICATIONS****§ 178.65-14 [Amended]**

37. Section 178.65-14 is amended by removing the "Note" which follows paragraph (b)(8); and paragraph (d) is amended by removing the words "Operations and Enforcement" and inserting, in their place, the words "Hazardous Materials Regulation."

**§ 178.68-10 [Amended]**

38. In § 178.68-10, paragraph (a)(2) is amended by removing the section reference "178.63-15" and inserting, in its place, "178.68-15."

**PART 178 [AMENDED]**

39. In addition to the amendments set forth above, Part 178 is amended by removing the words "Associate Director for OE" and inserting, in their place, the words "Associate Director for HMR" in the following places:

§ 178.5-9(f)  
 § 178.6-8(a)(2)  
 § 178.6-10(f)  
 § 178.13-2(a)  
 § 178.13-5(a)(2)  
 § 178.14-3(a)  
 § 178.14-7(a)(2)  
 § 178.14-8(f)  
 § 178.19-6(a)(3)  
 § 178.21-2(b)(2)  
 § 178.24-5(a)(2)  
 § 178.27-2(c)(2)  
 § 178.33-9(a)(2)  
 § 178.33a-9(a)(2)  
 § 178.35-3(b)(2)  
 § 178.35a-2(c)(2)  
 § 178.36-3  
 § 178.37-3  
 § 178.38-3  
 § 178.39-3  
 § 178.42-3  
 § 178.44-3  
 § 178.45-3  
 § 178.47-3  
 § 178.50-3  
 § 178.51-3  
 § 178.53-3  
 § 178.54-3  
 § 178.55-3  
 § 178.56-3  
 § 178.57-3  
 § 178.58-3  
 § 178.59-3(a)  
 § 178.60-3(a)  
 § 178.61-3  
 § 178.65-3 (a), (b) and (c)  
 § 178.68-3  
 § 178.80-11(a)(2)  
 § 178.80-14(a)  
 § 178.81-11(a)(2)  
 § 178.81-14(a)  
 § 178.82-11(a)(2)  
 § 178.82-14(a)  
 § 178.83-11(a)(2)  
 § 178.83-14(a)  
 § 178.88-10(a)(2)  
 § 178.88-13(a)  
 § 178.89-5(c)  
 § 178.89-9(a)(2)  
 § 178.89-12(a)  
 § 178.90-10(a)(2)  
 § 178.90-13(a)  
 § 178.92-9(a)  
 § 178.92-12(a)(2)  
 § 178.98-9(a)(2)  
 § 178.98-12(a)  
 § 178.99-9(a)(2)  
 § 178.99-12(a)  
 § 178.100-9(a)(2)  
 § 178.102-4(a)(2)  
 § 178.103-6(a)(3)  
 § 178.107-9(a)(2)  
 § 178.107-12(a)  
 § 178.109-7(a)  
 § 178.109-9(a)(2)  
 § 178.109-12(a)  
 § 178.115-10(a)(2)  
 § 178.115-13(a)  
 § 178.116-10(a)(2)  
 § 178.116-13(a)  
 § 178.117-11(a)(2)

§ 178.117-14(a)  
 § 178.118-10(a)(2)  
 § 178.118-13(a)  
 § 178.130-8(a)(2)  
 § 178.131-9(a)(3)  
 § 178.132-7(a)  
 § 178.132-9(a)(3)  
 § 178.133-9(a)(2)  
 § 178.134-4(a)(2)  
 § 178.135-8(a)(3)  
 § 178.141-7(a)(2)  
 § 178.146-15(a)(2)  
 § 178.147-15(a)(2)  
 § 178.148-5(a)(2)  
 § 178.149-7(a)(2)  
 § 178.150-7(a)(3)  
 § 178.156-12(a)(2)  
 § 178.165-13(b)  
 § 178.168-18(d)  
 § 178.169-18(d)  
 § 178.170-17(d)  
 § 178.171-17(d)  
 § 178.172-19(b)  
 § 178.176-6(b)  
 § 178.177-6(b)  
 § 178.181-11(b)  
 § 178.182-4(a)(2)  
 § 178.185-19(b)  
 § 178.185-22(c)(2)  
 § 178.186-19(b)  
 § 178.187-5(b)  
 § 178.190-9(a)(2)  
 § 178.191-9(a)(2)  
 § 178.193-6(a)(2)  
 § 178.194-8(b)  
 § 178.196-15(a)(2)  
 § 178.197-14(a)(2)  
 § 178.198-4(a)(2)  
 § 178.205-18(a)(2)  
 § 178.206-18(a)(2)  
 § 178.207-18(a)(2)  
 § 178.208-12(a)(2)  
 § 178.209-13(a)(2)  
 § 178.209-14(a)  
 § 178.210-12(a)(2)  
 § 178.211-3(a)(1)(v)  
 § 178.211-6(a)(2)  
 § 178.212-8(a)(2)  
 § 178.214-8(a)  
 § 178.214-17(a)(2)  
 § 178.214-18(a)  
 § 178.218-10(a)(2)  
 § 178.218-11(a)  
 § 178.219-13(a)(2)  
 § 178.219-14(a)  
 § 178.244-4(a)(2)  
 § 178.225-3 (a)(1)(ii) and (a)(2)(ii)  
 § 178.226-4(a)(2)  
 § 178.230-8(a)(2)  
 § 178.233-9(a)(2)  
 § 178.234-9(a)(2)  
 § 178.236-7(b)  
 § 178.237-7(b)  
 § 178.238-7(b)  
 § 178.239-7(b)  
 § 178.240-10(a)(2)  
 § 178.241-5(b)  
 § 178.245-7(a)  
 § 178.255-8(a)  
 § 178.255-15(a)

§ 178.56-19(a)(2)  
 § 178.57-20(a)(2)  
 § 178.58-21(a)(2)  
 § 178.59-18(a)(2)

§ 178.60-22(a)(2)  
 § 178.61-20(a)(2)  
 § 178.68-19(a)(2)

39b. In addition to the amendments set forth above, Part 178 is amended by removing the words "because of the present emergency and" from the following sections:

§ 178.156-7(a)(2) Note 1; and (a)(3) Footnotes 1 and 2  
 § 178.156-12(a)(3) Note 1  
 § 178.165-12(a) Note 1  
 § 178.196-7(a) Note 1  
 § 178.196-11(a) Note 1  
 § 178.230-3(a) Note 1

## PART 179—SPECIFICATIONS FOR TANK CARS

### § 179.202-16 [Amended]

40. In § 179.202-16, paragraph (b) is amended by inserting the words "or be" immediately prior to the word "provided."

### § 179.500-4 [Amended]

41. In § 179.500-4, paragraph (b) is amended by removing the formula "S=U/2.0" and inserting in its place "S=U/3.0."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A. to Part 1)

Issued in Washington, D.C., on September 24, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82-26872 Filed 9-29-82; 8:45 am]

BILLING CODE 4910-60-M

## National Highway Traffic Safety Administration

### 49 CFR Part 577

[Docket No. 80-17; Notice 2]

### Denial of Petitions for Reconsideration

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Denial of petitions for reconsideration of a final rule.

**SUMMARY:** This notice denies petitions for reconsideration of an amendment to the agency's defect and noncompliance notification regulation. The amendment added the agency's Auto Safety Hot Line telephone number to the procedure set forth in defect and noncompliance notification letters for consumers to contact the agency. Petitioners contended that the amendments should have been preceded by a proposal and request for comments. The agency concludes that the amendment was a technical amendment which clarified a minor procedural aspect of the notification regulation and which has negligibly affected regulated parties.

The agency notes further that the inclusion of the Hot Line in notification letters will improve the agency's efficiency in monitoring recalls and identifying problems regarding them.

### FOR FURTHER INFORMATION CONTACT:

Mr. James Murray, Office of Defects Investigation, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2840).

**SUPPLEMENTARY INFORMATION:** On January 22, 1981 (46 FR 6971), the agency published a final rule requiring the inclusion of the agency's Auto Safety Hot Line telephone number in defect and noncompliance letters. The purpose of that amendment to 49 CFR Part 577, *Defect and Noncompliance Notification*, was to elaborate upon the means which Congress intended consumers to have in order to inform the agency about problems involving the recall of defective or noncomplying motor vehicles and motor vehicle equipment. The agency made the amendment without notice and opportunity for comment, because the agency determined the amendment to be a minor technical clarification of Part 577 with little impact on the manufacturers.

In response to that notice, the agency received several petitions for reconsideration of the amendment. The petitions were submitted by manufacturers, an individual, and the Motor Vehicle Manufacturers Association (MVMA).

The petitioners first argued that the amendment was improperly processed under rulemaking procedures and should therefore be retracted. The agency disagrees. The Administrative Procedure Act (APA) permits rulemaking without notice and comment when the action is interpretive, involves agency procedure or when the agency finds for good cause that notice and comment are unnecessary. The agency believes that elements of all these exceptions were involved in the amendment in question. The APA recognizes the appropriateness of allowing shortened procedures for minor technical amendments that clarify, facilitate, or update a minor provision of a standard or regulation. To undertake a full rulemaking proceeding in these instances is a waste of agency resources.

Since June 28, 1977, the defect and noncompliance regulation has required manufacturers to include the agency's name and address in defect and noncompliance letters. This requirement was adopted in compliance with the Motor Vehicle and Schoolbus Safety

39a. In addition to the amendments set forth above, Part 178 is amended by removing the letters "OHMR" and inserting, in their place, the letters "HMR" in the following places:

§ 178.36-20(a)(3)  
 § 178.37-20(a)(3)  
 § 178.38-20(a)(2)  
 § 178.39-19(a)(2)  
 § 178.42-14(a)(2)  
 § 178.44-23(a)(2)  
 § 178.47-21(a)(2)  
 § 178.50-19(a)(2)  
 § 178.51-19(a)(2)  
 § 178.53-18(a)(2)  
 § 178.54-20(a)(2)  
 § 178.55-20(a)(2)